

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHARLES TALBERT	:	CIVIL ACTION
	:	
v.	:	NO. 23-679
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, PENNSYLVANIA	:	
DEPARTMENT OF HEALTH,	:	
DEPARTMENT OF HUMAN	:	
SERVICES, DEPARTMENT OF	:	
CORRECTIONS, PHILADELPHIA	:	
COURT OF COMMON PLEAS	:	

**ORDER**

AND NOW, this 7<sup>th</sup> day of March 2023, consistent with our obligation under 28 U.S.C. § 1915 to screen for merit the incarcerated Plaintiff's Complaint (ECF Doc. No. 1), finding he alleges two distinct harms with one challenge to sentencing decisions of Judge Brinkley of the Philadelphia Court of Common Pleas and a series of challenges to decisions made by Department of Corrections's officials in the Middle District of Pennsylvania concerning his conditions of confinement, finding he does not state a disabilities claim arising in this District and the interests of justice mandate we transfer his conditions of confinement claims to the Middle District of Pennsylvania, and for reasons in the accompanying Memorandum, it is **ORDERED:**

1. We **DISMISS** the Court of Common Pleas of Philadelphia County and all plead disability claims arising against it **with prejudice**;
2. We **DISMISS** the Commonwealth, the Pennsylvania Department of Health, the Pennsylvania Department of Human Services, and Pennsylvania Department of Corrections and

all claims arising against them without prejudice and leave to file an amended Complaint pleading the disability claims if possible to be done in good faith by no later than **April 10, 2023**;

3. The Clerk of Court shall **forthwith transfer** this action now consisting only of claims Mr. Talbert may assert in a timely amended Complaint based on facts arising in SCI Camp Hill or SCI Coal Township to the Clerk of Court for the United States District Court for the Middle District of Pennsylvania; and,

4. The Clerk of Court shall **CLOSE** this case in this District.



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**KEARNEY, J.**